IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 5626 of 2007
Date of decision: November 01, 2007

M/s Mittal Chemical Udyog, Rohtak Road, Bhiwani

.....PETITIONER

VERSUS

Prem Devi and others

.....RESPONDENTS

CORAM: HON'BLE MR JUSTICE T.P.S.MANN

PRESENT: Mr Manmohan Srivastava, Advocate
for the petitioner.

T.P.S .MANN, J.

Order dated 16.10.2007 passed by learned Motor Accident Claims Tribunal, Hisar while declining the application of the petitioner for additional evidence, has been challenged by it by filing the present revision.

As is clear from the petition and the impugned order, the petitioner is owner of vehicle Tata-407, bearing registration No.HR-16-0501. The same was involved in an accident, in which Balwan Singh lost his life. Balwan Singh's wife Prem Devi and sons Satish, Vikram and Sanjeev filed a petition under Section 166 read-with Section 163-A of the Motor Vehicles Act, seeking compensation to the tune of Rs. 15,00,000/- (fifteen lacs) on account of his death. Mukesh Kumar, who was alleged to be driving the aforementioned vehicle was arraigned as respondent No.3,

while the petitioner being owner of the vehicle as respondent No.4.

The New India Assurance Company Limited, Bhiwani, with whom the said vehicle was insured and was respondent No.5 before the learned Tribunal, examined Mukesh Kumar Ahlmad as RW-1, who deposed about the driving licence of aforementioned Mukesh Kumar driver on 21.2.2006. Later-on, an application was filed by the petitioner for additional evidence for production of driving licence of Mukesh Kumar, said to have been issued by Licensing Authority, Agra. It was pleaded therein that the Insurance Company got verified a licence, which was never supplied by the petitioner i.e. owner of the vehicle in question or its driver. In fact, the actual and original licence was issued by Licensing Authority, Agra and accordingly, prayer was made for the grant of permission to produce the same by way of additional evidence. This application was, however, dismissed by the learned Tribunal and hence, the present revision.

The accident in question had taken place on 11.4.2002. After the issuance of notice and appearance, written statement was filed by the Insurance Company, as well as by the petitioner i.e. owner of the vehicle in question. At that stage, the petitioner never raised the plea that Mukesh Kumar, who was said to be driving the vehicle was holder of a driving licence, which had been issued by Licensing Authority, Agra. It was only when the Insurance Company produced evidence, which, prima facie , indicated that the licence of Mukesh Kumar, which had been recovered during the investigation of criminal case was not a valid one, the petitioner came up with the application for additional evidence so as to produce one licence of Mukesh Kumar, which was said to have been issued by Licensing Authority, Agra.

In the testimony of Rajbir Singh RW-5, it had come on the record that on 30.5.1997, one driving licence in the name of Mukesh Kumar was renewed up to 29.5.2000. However, as is clear from the facts of the case, the accident in question had taken place on 11.4.2002 and thus, Mukesh Kumar-driver did not possess any valid driving licence on the said date.

The driving licence, which is now sought to be produced by the petitioner by way of additional evidence, appeared to have been issued on 17.4.2001 and valid till 16.4.2004. It had been issued by Transport Authority, Agra. In fact, it was initially issued on 15.4.1996 and renewed by Licensing Authority, Agra in the year 2001. No reasons have been given as to why the so called lience was not got renewed from Transport Authority at Siwani (District Bhiwani), though Mukesh Kumar-driver belongs to the said District.

It is clear that the petitioner is trying to escape the liability and create evidence in his favour by introducing one driving licence, allegedly issued by Transport Authority, Agra. Moreover, the petitioner has already availed a number of opportunities. He had not taken any such objection at the earliest or placed reliance upon the so called driving licence, issued by Transport Authority, Agra.

In view of the above, there is no merit in the present revision, which is, accordingly, dismissed.

November 01, 2007 **(T.P.S.MANN)**
Pds **JUDGE**